

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on December 3, 2009, Peter Nieves (Reg. No. 48,173) requested an extension of time for TWO MONTH(S) and authorized the Director to charge Deposit Account No. 501304 the required fee of \$490 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

(a) Claim 1 has been rewritten as set forth below.

--Claim 1 - A beverage container including

a body member with a top end, said top end having an opening therein; and

a cooling member detachably engageable with said body member, said cooling member includes a vessel member and a top closure member, said vessel member has a vessel member cavity therein and said top closure member has a top closure cavity therein, said vessel member and said top closure member being threadably engageable with each other such that an outer surface of said vessel member is directly engaged with an inner surface of said top closure member;

wherein when said top closure member is threadably engaged on the vessel member, the vessel member and top closure member form an enclosed internal cavity, such that the volume of said enclosed internal cavity is larger than the volume of said vessel member cavity to thereby allow a coolable agent in said vessel to expand into the top closure cavity of said top closure member upon freezing;

wherein the cooling member, including the vessel member threadedly engaged with the top closure member, is removably seated in the opening of the top end of the body member such that an outer surface of the top closure member engages a radially inwardly facing surface of the top end;

wherein when said cooling member is engaged with said body member, the cooling member extends through the opening of said top end of the body member, at least a major portion of said top end of said body member is closed and at least part of said cooling member extends into an interior cavity of said body member; and

wherein said body member is adapted to hold a beverage and said cooling member is adapted to contain a cooling agent. --

(b) Claim 5 has been rewritten as set forth below.

--Claim 5 - A method of using a beverage container, including the steps of:

(a) providing a body member with a top end, said top end having an opening therein and said body member being adapted to hold a beverage;

(b) providing a cooling member detachably engageable with said body member, said cooling member includes a vessel member and a top closure member, said vessel member has a vessel member cavity therein and said top closure member has a top closure cavity therein, said vessel member and said top closure member being threadedly engageable with each other such that an outer surface of said vessel member is directly engaged with an inner surface of said top closure member, said cooling member being adapted to contain a coolable agent;

wherein when said top closure member is threadedly engaged on the vessel member, the vessel member and top closure member form an enclosed internal cavity, such that the volume of said enclosed internal cavity is larger than the volume of said vessel member cavity to thereby allow a coolable agent in said vessel to expand into the top closure cavity of said top closure member upon freezing;

wherein the cooling member, including the vessel member threadedly engaged with the top closure member, is removably seated in the opening of the top end of the body member such that an outer surface of the top closure member engages a radially inwardly facing surface of the top end;

wherein when said cooling member is engaged with said body member, the cooling member extends through the opening of said top end of the body member, at least a major portion of said top end of said body member is closed and at least part of said cooling member extends into an interior cavity of said body member; and

- (c) introducing said coolable agent into a cavity of said cooling member;
- (d) placing said cooling member into a refrigerating apparatus;
- (e) retrieving said cooling member from said refrigerating apparatus after said coolable agent is cooled to below the ambient temperature; and
- (f) engaging said cooling member with said body member. --

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIKI M. ELOSHWAY whose telephone number is (571)272-4538. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony Stashick/
Supervisory Patent Examiner, Art Unit 3781

/Niki M. Eloshway/
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nmc